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Attorney for Plaintiff
ALEX KHASIN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALEX KHASIN, on behalf of himself and all others similarly situated,)	CASE NO. CV12-02204-JSW
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER RE: AMENDED BRIEFING
)	SCHEDULE ON MOTION TO
)	DISMISS AMENDED COMPLAINT
R.C. BIGELOW, INC.,)	(COURT CALENDAR NOT
)	AFFECTED)
Defendant.)	
)	
)	Judge: Hon. Jeffrey S. White
)	Action Filed: May 2, 2012
)	

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Pursuant to Civil Local Rules 6-1(a) and 16-2(e), and the Standing Orders of this Court, Plaintiff Alex Khasin, on behalf of himself and all others similarly situated (“Plaintiff”), and Defendant R.C. Bigelow, Inc. (“Defendant”), through their undersigned counsel, hereby move and stipulate as follows:

WHEREAS, this action was filed in this Court on May 2, 2012;

WHEREAS, Defendant was served with the summons and Plaintiff’s complaint (the “Complaint”) on May 18, 2012;

WHEREAS, on July 31, 2012, Defendant filed a Motion to Dismiss, Or In The Alternative, Motion to Strike the Complaint;

WHEREAS, on August 21, 2012, Plaintiff filed his Amended Complaint for Damages, Equitable and Injunctive Relief (“Amended Complaint”);

WHEREAS, on September 18, 2012, Defendant filed a Motion to Dismiss, or in the Alternative, Motion to Strike the Amended Complaint;

WHEREAS, on October 15, 2012, the Court struck Defendant’s Motion, without prejudice, for not seeking leave of court to file an oversized brief;

WHEREAS, on October 23, 2012, the parties filed a Joint Stipulation for Administrative Relief to Exceed Page Limitations on Motion to Dismiss Amended Complaint;

WHEREAS, on October 26, 2012, the Court granted the parties’ Motion for Administrative Relief to Exceed Page Limitations on Motion to Dismiss Amended Complaint;

WHEREAS, on December 3, 2012, the Court granted the parties’ Stipulated Motion to Specially Set the Briefing and Hearing Schedule on Defendant’s Motion to Dismiss, to be heard on February 8, 2013, and Continue the Case Management Conference to March 8, 2013;

WHEREAS, in accordance with that Order, Defendant filed its Motion to Dismiss on December 7, 2012, and Plaintiff filed his Opposition brief to Defendant’s Motion to Dismiss on January 11, 2013;

WHEREAS, based on foreseen and unforeseen circumstances, including Plaintiff’s Statement of Recent Decision of *Stengel v. Medtronics*, filed on January 15, 2013, to which Defendant wishes to prepare or incorporate a response; other recent filings and court orders

1 directly relevant to these motions and possibly having precedential effect; and an unexpected
2 court obligation by Defendants' counsel, the parties have stipulated and agreed to extend
3 Defendant's time to file its reply papers in support of its Motions, previously stipulated to be due
4 on January 18, 2013, to now be due on or before January 23, 2013, and maintain the Court's
5 calendar as previously ordered.

6 IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel, that
7 pursuant to Local Rules 6-1(a) and 16-2(e):

8 1. Defendant's reply papers, previously stipulated to be due on January 18, 2013,
9 shall now be due on or before **January 23, 2013**;

10 2. Defendant's Motion to Dismiss, or in the Alternative, Motion to Strike the
11 Amended Complaint, currently set for hearing on **February 8, 2013**, shall remain on the Court's
12 calendar; and

13 3. The Case Management Conference, currently set for **March 8, 2013 at 1:30 p.m.**,
14 shall remain on the Court's calendar.

15 IT IS SO STIPULATED.

16 Dated: January 17, 2013

M.D. SCULLY
TIMOTHY K. BRANSON
JONI M. BORZCIK
GORDON & REES LLP

19 By: /s/ Joni M. Borzcik
JONI M. BORZCIK

21 Attorneys for Defendant
R.C. BIGELOW, INC.

22 Dated: January 17, 2013

BEN F. PIERCE GORE
PRATT & ASSOCIATES

25 By: /s/ Ben F. Pierce Gore
BEN F. PIERCE GORE

27 Attorney for Plaintiff

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ECF ATTESTATION

I, Joni M. Borczik, am the ECF User whose ID and password are being used to file the following: **STIPULATION RE: AMENDED BRIEFING SCHEDULE ON MOTION TO DISMISS AMENDED COMPLAINT**. In compliance with Civil Local Rule 5-1, I hereby attest that Ben F. Pierce Gore has concurred in this filing.

Dated: January 17, 2012

TIMOTHY K. BRANSON
GORDON & REES LLP

By: /s/ Joni M. Borczik
JONI M. BORZCIK

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 18, 2013


HON. JEFFREY S. WHITE
JUDGE OF THE UNITED STATES
DISTRICT COURT